

# EXHIBIT

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**Declaration of Special Agent Marks (ATF Badge #5087)**

1. I am a Special Agent for ATF in the Los Angeles Field Division tasked with investigating violations of federal firearms and explosives laws.
2. On or before 2/13/14, ATF FTB determined that the EP80 lower receiver manufactured by EP Armory was a firearm as defined by 18 USC 921(a)(3).
3. Firearms manufactured for sale require, by federal law, manufacturing marks and a serial number.
4. The EP80 lower receiver does not have manufacturing marks or a serial number.
5. Ares Armor offered the EP80 lower receiver for sale on the internet and in their stores.
6. The EP80 lower receiver is commonly used to make AR-15 style rifles. The AR-15 is the semi-automatic, civilian version of the .223-caliber M16 machine gun used by the United States military. The AR-15 is comprised of many parts, including the (1) lower receiver, (2) upper receiver, (3) stock, (4) barrel, and (5) magazine. It can also be made into a pistol, however, this is much less common.
7. On 3/13 and 3/14/14, the Federal Licensing System database was queried. The query revealed that no individual or entity/corporation associated with Ares Armor has a Federal Firearms License or has applied for a Federal Firearms License to deal firearms.
8. On 3/15/14, ATF seized 5804 EP80 lower receivers from Ares Armor pursuant to a federal search warrant (14MJ0962). Ares Armor received the seized EP80 lower receivers from EP Armory.
9. I declare under penalty of perjury the foregoing is true and correct.

  
Special Agent Marks  
ATF Badge #5087